

# EXHIBIT 1



## Notice of Service of Process

null / ALL  
Transmittal Number: 22674097  
Date Processed: 01/28/2021

**Primary Contact:** Frank Rossotto  
Frank Rossotto  
184 E Main St  
Westfield, NY 14787-1133

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<b>Entity:</b>	The Stocktrek Corporation Entity ID Number 1833426
<b>Entity Served:</b>	The Stocktrek Corporation
<b>Title of Action:</b>	Nicholas Giovannelli vs. Walmart, Inc.
<b>Document(s) Type:</b>	Summons/Complaint
<b>Nature of Action:</b>	Contract
<b>Court/Agency:</b>	Cook County Circuit Court, IL
<b>Case/Reference No:</b>	2021IL000144
<b>Jurisdiction Served:</b>	Delaware
<b>Date Served on TCC:</b>	01/26/2021
<b>Answer or Appearance Due:</b>	30 Days
<b>Originally Served On:</b>	CSC
<b>How Served:</b>	Personal Service
<b>Sender Information:</b>	Craig D. Tobin 312-641-1321

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Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to The Company Corporation**  
251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)

2120 - Served	2121 - Served	2620 - Sec. of State
2220 - Not Served	2221 - Not Served	2621 - Alias Sec of State
2320 - Served By Mail	2321 - Served By Mail	
2420 - Served By Publication	2421 - Served By Publication	
Summons - Alias Summons		(12/01/20) C

Name all Parties

Plaintiff(s)

Case No. 2020 L 000144

The Stocktrek Corporation  
c/o The Company Corporation  
251 Little Falls Drive  
Wilmington, DE 19808

Address of Defendant(s)

Please serve as follows (check one): ☐ Certified Mail ☒ Sheriff Service ☐ Alias

To each Defendant:

You have been named a defendant in the complaint in this case, a copy of which is hereto attached. You are summoned and required to file your appearance, in the office of the clerk of this court, within 30 days after service of this summons, not counting the day of service. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.

**THERE WILL BE A FEE TO FILE YOUR APPEARANCE.**

To file your written appearance/answer **YOU DO NOT NEED TO COME TO THE COURTHOUSE**. You will need: a computer with internet access; an email address; a completed Appearance form that can be found at <http://www.illinoiscourts.gov/Forms/approved/procedures/appearance.asp>; and a credit card to pay any required fees.

Page 1 of 3

## Summons - Alias Summons

(12/01/20) CCG 0001 B

E-filing is now mandatory with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider.

If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/faq/gethelp.asp> or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit [www.illinoislegalaid.org](http://www.illinoislegalaid.org).

If you are unable to pay your court fees, you can apply for a fee waiver. For information about defending yourself in a court case (including filing an appearance or fee waiver), or to apply for free legal help, go to [www.illinoislegalaid.org](http://www.illinoislegalaid.org). You can also ask your local circuit clerk's office for a fee waiver application.

Please call or email the appropriate clerk's office location (on Page 3 of this summons) to get your court hearing date AND for information whether your hearing will be held by video conference or by telephone. The Clerk's office is open Mon - Fri, 8:30 am - 4:30 pm, except for court holidays.

**NOTE: Your appearance date is NOT a court date. It is the date that you have to file your completed appearance by. You may file your appearance form by e-filing unless you are exempted.**

A court date will be set in the future and you will be notified by email (either to the email address that you used to register for e-filing, or that you provided to the clerk's office).

**CONTACT THE CLERK'S OFFICE** for information regarding **COURT DATES** by visiting our website: [cookcountyclerkofcourt.org](http://cookcountyclerkofcourt.org); download our mobile app from the AppStore or Google play, or contact the appropriate clerk's office location listed on Page 3.

To the officer: (Sheriff Service)

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than thirty (30) days after its date.

☒ Atty. No.: 47276

☐ Pro Se 99500

Name: Craig D. Tobin

Atty. for (if applicable):

Tobin & Muñoz, L.L.C.

Address: 70 W. Madison St., Suite 1950

City: Chicago

State: IL Zip: 60602

Telephone: (312) 641-1321

Primary Email: ctobin@barristers.com

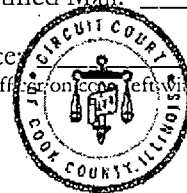
Witness date \_\_\_\_\_

1/8/2021 12:34 PM IRIS Y. MARTINEZ

IRIS Y. MARTINEZ, Clerk of Court

☐ Service by Certified Mail: \_\_\_\_\_

☐ Date of Service: \_\_\_\_\_  
(To be inserted by officer on receipt left with employer or other person)



Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois  
[cookcountyclerkofcourt.org](http://cookcountyclerkofcourt.org)

**GET YOUR COURT DATE BY CALLING IN OR BY EMAIL**

**CALL OR SEND AN EMAIL MESSAGE** to the telephone number or court date email address below for the appropriate division, district or department to request your next court date. Email your case number, or, if you do not have your case number, email the Plaintiff or Defendant's name for civil case types, or the Defendant's name and birthdate for a criminal case.

**CHANCERY DIVISION**

**Court date EMAIL:** ChanCourtDate@cookcountycourt.com  
Gen. Info: (312) 603-5133

**CIVIL DIVISION**

**Court date EMAIL:** CivCourtDate@cookcountycourt.com  
Gen. Info: (312) 603-5116

**COUNTY DIVISION**

**Court date EMAIL:** CntyCourtDate@cookcountycourt.com  
Gen. Info: (312) 603-5710

**DOMESTIC RELATIONS/CHILD SUPPORT  
DIVISION**

**Court date EMAIL:** DRCourtDate@cookcountycourt.com  
OR  
ChildSupCourtDate@cookcountycourt.com  
Gen. Info: (312) 603-6300

**DOMESTIC VIOLENCE**

**Court date EMAIL:** DVCourtDate@cookcountycourt.com  
Gen. Info: (312) 325-9500

**LAW DIVISION**

**Court date EMAIL:** LawCourtDate@cookcountycourt.com  
Gen. Info: (312) 603-5426

**PROBATE DIVISION**

**Court date EMAIL:** ProbCourtDate@cookcountycourt.com  
Gen. Info: (312) 603-6441

**ALL SUBURBAN CASE TYPES**

**DISTRICT 2 - SKOKIE**

**Court date EMAIL:** D2CourtDate@cookcountycourt.com  
Gen. Info: (847) 470-7250

**DISTRICT 3 - ROLLING MEADOWS**

**Court date EMAIL:** D3CourtDate@cookcountycourt.com  
Gen. Info: (847) 818-3000

**DISTRICT 4 - MAYWOOD**

**Court date EMAIL:** D4CourtDate@cookcountycourt.com  
Gen. Info: (708) 865-6040

**DISTRICT 5 - BRIDGEVIEW**

**Court date EMAIL:** D5CourtDate@cookcountycourt.com  
Gen. Info: (708) 974-6500

**DISTRICT 6 - MARKHAM**

**Court date EMAIL:** D6CourtDate@cookcountycourt.com  
Gen. Info: (708) 232-4551

12-Person Jury

IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, LAW DIVISION

FILED  
1/6/2021 12:25 PM  
IRIS Y. MARTINEZ  
CIRCUIT CLERK  
COOK COUNTY, IL  
2021L000144  
11724878

NICHOLAS GIOVANNELLI,

Plaintiff,

v.

WALMART, INC., WAL-MART.COM USA, LLC,  
THE STOCKTREK CORPORATION d/b/a  
STOCKTREK IMAGES, INC., PIXELS.COM, LLC,  
AMAZON.COM, INC., AMAZON.COM SERVICES,  
LLC, and POSTERAZZI CORP.

Defendants.

No.:

JURY DEMANDED

COMPLAINT AT LAW

Now comes the plaintiff, Nicholas Giovannelli, by and through his attorneys, Craig D. Tobin of Tobin & Munoz LLC, and as and for his complaint against defendants Walmart, Inc., Wal-Mart.Com USA, LLC, The Stocktrek Corporation d/b/a StockTrek Images, Inc., Pixels.Com, LLC, Amazon.Com, Inc., Amazon.Com Services, LLC, and Posterazzi Corp. states as follows:

1. This action is brought under the Illinois Right of Publicity Act, 765 ILCS 1075/1 *et seq.* (1999), and the common law action for Negligent Infliction of Emotional Distress.

PARTIES

2. At all relevant times hereto, the plaintiff, Nicholas Giovannelli, was and is a citizen of Cook County, Illinois. Giovannelli is a decorated combat veteran, having served in the Airborne Infantry of the U.S Army, beginning in 2007, including multiple tours of duty in Afghanistan. He was honorably discharged for medical reasons in 2015.

3. WalMart, Inc., at all relevant times hereto, is a Delaware corporation present and doing business in Cook County, Illinois. WalMart, Inc. is in the business of selling general merchandise through their stores, including photographic images.

4. Wal-Mart.com USA, LLC, at all relevant times hereto, is a California limited liability company present and doing business in Cook County, Illinois. Wal-Mart.com USA, LLC is in the business of selling general merchandise through the internet, including photographic images.

5. The StockTrek Corporation d/b/a StockTrek Images, Inc., at all relevant times hereto, is a Delaware corporation present and doing business in Cook County, Illinois. StockTrek is in the business of selling photographic images, primarily through the internet.

6. Pixels.com, LLC, at all relevant times hereto, is an Illinois limited liability company, present and doing business in Cook County, Illinois. Pixels.com is in the business of selling photographic images, primarily through the internet.

7. Amazon.Com, Inc., at all relevant times hereto, is a Delaware corporation present and doing business in Cook County, Illinois. Amazon.com, Inc. is in the business of selling general merchandise through the internet, including photographic images.

8. Amazon.Com Services, LLC, at all relevant times hereto, is a Delaware limited liability company, present and doing business in Cook County, Illinois. Amazon.Com Services, LLC is in the business of selling general merchandise through the internet, including photographic images.

9. Posterazzi Corp., at all relevant times hereto, is a New York corporation, present and doing business in Cook County, Illinois. Posterazzi Corp. is in the business of selling photographic images, primarily through the internet.

FACTS COMMON TO ALL COUNTS

10. During his service in the Airborne Infantry, Giovannelli participated in over 100 combat patrols. As a result of his service, Giovannelli was awarded the Purple Heart, Combat Infantry Badge, and Army Commendation with V Device, for acts of heroism while involved in conflict with an armed enemy.

11. As a result of his service, Giovannelli developed certain medical issues: herniated disks in his lower back and neck, post-concussion headaches as a result of traumatic brain injury, and PTSD. As a result of these conditions, Giovannelli was given a medical retirement in 2015. Giovannelli continues to be treated for these conditions.

12. While Giovannelli was serving in the military, he was photographed by Army photographers while in combat.

13. Recently, Giovannelli discovered that photographs taken of him while in the military were being publicly sold, for commercial purposes, through for-profit entities.

14. Giovannelli has never given consent to any of the defendants to use his image for any purpose, including financial gain.

COUNT I—Walmart, Inc.

15. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

16. During 2020 and, upon information and belief, earlier than 2020, WalMart, Inc., at its stores throughout the country and online, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

17. WalMart, Inc. profited financially from the sale of Giovannelli's image.



18. At all relevant times, WalMart, Inc. knew that it lacked consent from Giovannelli to commercially exploit his image. WalMart, Inc.'s actions were willful and malicious, and punitive damages are appropriate.

19. As a result of WalMart, Inc.'s actions, Giovannelli has suffered extreme emotional distress. As a result of WalMart, Inc.'s actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Wal-Mart, Inc.:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT II—Wal-Mart.Com USA, LLC

20. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

21. During 2020 and, upon information and belief, earlier than 2020, Wal-Mart.com USA, LLC, at its stores throughout the country and online, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

22. Wal-Mart.com USA, LLC profited financially from the sale of Giovannelli's image.

23. At all relevant times, Wal-Mart.com USA, LLC knew that it lacked consent from Giovannelli to commercially exploit his image. Wal-Mart.com USA, LLC's actions were willful and malicious, and punitive damages are appropriate.

24. As a result of Wal-Mart.com USA, LLC's actions, Giovannelli has suffered extreme emotional distress. As a result of Wal-Mart.com USA, LLC's actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Wal-Mart.com USA, LLC:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT III— The StockTrek Corporation d/b/a StockTrek Images, Inc.

25. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

26. StockTrek Images, Inc., during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

27. StockTrek Images, Inc. profited financially from the sale of Giovannelli's image.

28. At all relevant times, StockTrek Images, Inc. knew that it lacked consent from Giovannelli to commercially exploit his image. StockTrek Images, Inc.'s actions were willful and malicious, and punitive damages are appropriate.

29. As a result of StockTrek Images, Inc.'s actions, Giovannelli has suffered extreme emotional distress. As a result of StockTrek Images, Inc.'s actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from StockTrek Images, Inc.:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs, and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT IV—Pixels.Com, LLC

30. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

31. Pixels.Com, LLC, during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

32. Pixels.Com, LLC profited financially from the sale of Giovannelli's image.

33. At all relevant times, Pixels.Com, LLC knew that it lacked consent from Giovannelli to commercially exploit his image. Pixel.com, LLC's actions were willful and malicious, and punitive damages are appropriate.

34. As a result of Pixels.Com, LLC's actions, Giovannelli has suffered extreme emotional distress. As a result of Pixels.Com, LLC's actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Pixel's.Com, LLC:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs, and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT V—Posterazzi Corp.

35. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

36. Posterazzi Corp., during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat. During this time period, Posterazzi Corp. sold posters which not only bore Giovannelli's image but also identified him by name and rank.

37. Posterazzi Corp. profited financially from the sale of Giovannelli's image.

38. At all relevant times, Posterazzi Corp. knew that it lacked consent from Giovannelli to commercially exploit his image. Posterazzi Corp.'s actions were willful and malicious, and punitive damages are appropriate.

39. As a result of Posterazzi Corp.'s actions, Giovannelli has suffered extreme emotional distress. As a result of Posterazzi Corp.'s actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Posterazzi Corp.:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs, and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT VI—Amazon.Com, Inc.

40. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

41. Amazon.Com, Inc., during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

42. Amazon.Com, Inc. profited financially from the sale of Giovannelli's image.

43. At all relevant times, Amazon.Com, Inc. knew that it lacked consent from Giovannelli to commercially exploit his image. Amazon.Com, Inc.'s actions were willful and malicious, and punitive damages are appropriate.

44. As a result of Amazon.Com, Inc.'s actions, Giovannelli has suffered extreme emotional distress. As a result of Amazon.Com, Inc.'s actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Amazon.Com, Inc.:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT VII—Amazon.Com Services, LLC

45. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

46. Amazon.Com Services, LLC, during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

47. Amazon.Com Services, LLC profited financially from the sale of Giovannelli's image.

48. At all relevant times, Amazon.Com Services, LLC, knew that it lacked consent from Giovannelli to commercially exploit his image. Amazon.Com Services, LLC's actions were willful and malicious, and punitive damages are appropriate.

49. As a result of Amazon.Com Services, LLC's actions, Giovannelli has suffered extreme emotional distress. As a result of Amazon.Com Services, LLC's actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Amazon.Com Services, LLC's:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT VIII—WalMart, Inc.--NIES

50. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

51. WalMart, Inc. owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

52. WalMart, Inc. breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

53. WalMart, Inc.'s breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant WalMart, Inc. in an amount in excess of One Million Dollars (\$100,000,000.00), plus costs.

COUNT IX—Wal-Mart.Com USA, LLC--NIES

54. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

55. Wal-Mart.Com USA, LLC owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

56. Wal-Mart.Com USA, LLC breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

57. Wal-Mart.Com USA, LLC's breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.



WHEREFORE, plaintiff prays for judgment in his favor and against defendant Wal-Mart.Com USA, LLC in an amount in excess of One Million Dollars (\$100,000,000.00), plus costs.

COUNT X—StockTrek Images, Inc.--NIES

58. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

59. StockTrek Images, Inc. owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

60. StockTrek Images, Inc. breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

61. StockTrek Images, Inc.'s breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant StockTrek in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

COUNT XI—Pixels.Com, LLC--NIES

62. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

63. Pixels.Com, LLC owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

64. Pixels.Com, LLC breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

65. Pixels.Com, LLC's breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Pixels.Com, LLC in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

COUNT XII—Amazon.Com, Inc.--NIES

66. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

67. Amazon.Com, Inc. owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

68. Amazon.Com, Inc. breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

69. Amazon.Com, Inc.'s breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's

PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Amazon.Com, Inc. in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

COUNT XIII—Amazon.Com Services, LLC--NIES

70. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

71. Amazon.Com Services, LLC owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

72. Amazon.Com Services, LLC breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

73. Amazon.Com Services, LLC's breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Amazon.Com Services, LLC in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

COUNT XIV—Posterazzi Corp.--NIES

74. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

75. Posterazzi Corp. owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

76. Posterazzi Corp. breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

77. Posterazzi Corp.'s breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Posterazzi Corp.'s in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

Plaintiff demands trial by jury on all counts.

s/ Craig D. Tobin  
Craig D. Tobin  
One of Plaintiff's attorneys

Craig D. Tobin  
Jessica Firlej  
Attorneys for Plaintiff  
Tobin & Munoz, L.L.C.  
70 W Madison Street, Suite 1950  
Chicago, IL 60602-4298  
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[jfirlej@barristers.com](mailto:jfirlej@barristers.com)  
Attorney No.: 47276

1910 - No Fee Paid

1919 - Fee Paid

Jury Demand

(Rev. 12/01/20) CCG 0067

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

County DEPARTMENT/ 1st DISTRICT

Nicholas Giovannelli

Walmart, Inc., Wal-mart.Com USA<sup>v</sup>, LLC,  
The Stocktrek Corporation d/b/a Stocktrek Images,  
Inc., Pixels.com, LLC, Amazon.Com, Inc., Amazon.Com  
Services, LLC, and Posterazzi Corp.

No. \_\_\_\_\_

JURY DEMAND

The undersigned demands a jury trial.

Craig D. Tobin

(Signature)

☐ Atty. No.: 47276

Name: Craig D. Tobin

Atty. for: Tobin & Muñoz, L.L.C.

Address: 70 West Madison St., Suite 1950

City/State/Zip: Chicago, IL 60602

Telephone: (312) 641-1321

Primary Email: ctobin@barristers.com

Dated: January 6, 2021

FILED  
1/6/2021 12:25 PM  
IRIS Y. MARTINEZ  
CIRCUIT CLERK  
COOK COUNTY, IL  
2021L000144  
11724878

IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, LAW DIVISION

NICHOLAS GIOVANNELLI,

Plaintiff,

v.

WALMART, INC., WAL-MART.COM USA, LLC,  
THE STOCKTREK CORPORATION d/b/a  
STOCKTREK IMAGES, INC., PIXELS.COM, LLC,  
AMAZON.COM, INC., AMAZON.COM SERVICES,  
LLC, and POSTERAZZI CORP.

Defendants.

No.:

JURY DEMANDED

ILLINOIS SUPREME COURT RULE 222(B) AFFIDAVIT

The undersigned certifies that the amount of damages sought in the above-captioned case does exceed \$50,000.00..

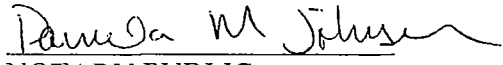
Respectfully Submitted,

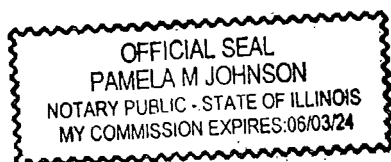
CRAIG D. TOBIN

By: 

Craig D. Tobin  
Jessica Firlej  
Tobin & Munoz, L.L.C.  
70 W Madison, Suite 1950  
Chicago IL 60602-4298  
Office: (312) 641-1321  
Fax: (312) 641-5220  
ctobin@barristers.com  
jfirlej@barristers.com  
Attorney No.: 47276

SUBSCRIBED AND SWORN  
TO BEFORE ME THIS 6<sup>th</sup>  
day of January 2021

  
NOTARY PUBLIC





**Service of Process  
Transmittal**

01/21/2021

CT Log Number 538925838

**TO:** Kim Lundy Service Of Process  
Walmart Inc.  
702 SW 8TH ST  
BENTONVILLE, AR 72716-6209

**RE: Process Served in Illinois**

**FOR:** WALMART INC. (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Giovannelli Nicholas, Pltf. vs. Walmart, Inc., et al., Dfts.

**DOCUMENT(S) SERVED:** Summonses, Attachment(s), Complaint, Affidavit

**COURT/AGENCY:** Cook County Circuit Court - County Department - Law Division, IL  
Case # 2020L000144

**NATURE OF ACTION:** Summons and Complaint - Wal-Mart.Com USA, LLC breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30 prior to offering for sale and selling plaintiff's image all across the country

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Chicago, IL

**DATE AND HOUR OF SERVICE:** By Process Server on 01/21/2021 at 04:32

**JURISDICTION SERVED :** Illinois

**APPEARANCE OR ANSWER DUE:** Within 30 days after service, not counting the day of service

**ATTORNEY(S) / SENDER(S):** Craig D. Tobin  
Tobin & Munoz, L.L.C.  
70W. Madison St., Suite 1950  
Chicago, IL 60602  
312-641-1321

**ACTION ITEMS:** CT has retained the current log, Retain Date: 01/22/2021, Expected Purge Date: 01/27/2021  
  
Image SOP  
  
Email Notification, Kim Lundy Service Of Process [ctlawsuits@walmartlegal.com](mailto:ctlawsuits@walmartlegal.com)

**REGISTERED AGENT ADDRESS:** C T Corporation System  
208 South LaSalle Street  
Suite 814  
Chicago, IL 60604  
877-564-7529  
[MajorAccountTeam2@wolterskluwer.com](mailto:MajorAccountTeam2@wolterskluwer.com)

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other



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advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



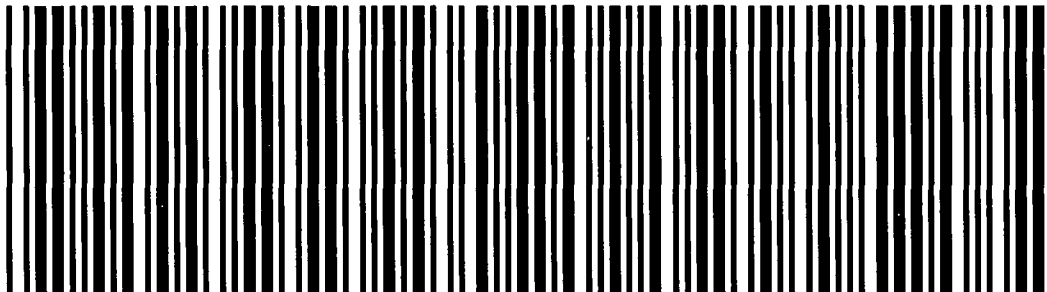


## PROCESS SERVER DELIVERY DETAILS

**Date:** Thu, Jan 21, 2021

**Server Name:** Sheriff Drop

Entity Served	WALMART INC.
Agent Name	C T CORPORATION SYSTEM
Case Number	2020L000144
Jurisdiction	IL



FILED  
1/8/2021 12:34 PM  
IRIS Y. MARTINEZ  
CIRCUIT CLERK  
COOK COUNTY, IL  
2021L000144

11757289

2120 - Served	2121 - Served	2620 - Sec. of State
2220 - Not Served	2221 - Not Served	2621 - Alias Sec of State
2320 - Served By Mail	2321 - Served By Mail	
2420 - Served By Publication	2421 - Served By Publication	
Summons - Alias Summons		(12/01/20) CCG 0001 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Name all Parties

Nicholas Giovannelli

Plaintiff(s)

v.  
Walmart, Inc., Wal-mart.Com USA, LLC,  
The Stocktrek Corporation d/b/aStocktrek Images,  
Inc., Pixels.com, Amazon.Com, Inc., Amazon.Com  
Services, LLC, and Posterazzi Corp.

Case No. 2020 L 000144

Walmart, Inc. Defendant(s)  
c/o CT Corporation System  
208 S. LaSalle St., Suite 814  
Chicago, IL 60604

Address of Defendant(s)

Please serve as follows (check one): ☐ Certified Mail ☒ Sheriff Service ☐ Alias

SUMMONS


To each Defendant:

You have been named a defendant in the complaint in this case, a copy of which is hereto attached. You are summoned and required to file your appearance, in the office of the clerk of this court, within 30 days after service of this summons, not counting the day of service. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.

**THERE WILL BE A FEE TO FILE YOUR APPEARANCE.**

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Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois  
[cookcountyclerkofcourt.org](http://cookcountyclerkofcourt.org)

 * 0 3 4 5 3 9 6 4 *	<b>DIE DATE</b> 02/08/2021
<b>DOC. TYPE:</b> LAW <b>CASE NUMBER:</b> 2020L000144 <b>DEFENDANT</b> WALMART INC 208 S LASALLE ST CHICAGO, IL 60604 SUITE 814	<b>SERVICE INF</b> C/O CT COR  <b>ATTACHED</b>

## Summons - Alias Summons

(12/01/20) CCG 0001 B

E-filing is now mandatory with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider.

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To the officer: (Sheriff Service)

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than thirty (30) days after its date.

☒ Atty. No.: 47276

☐ Pro Se 99500

Name: Craig D. Tobin

Atty. for (if applicable):

Tobin & Muñoz, L.L.C.

Address: 70 W. Madison St., Suite 1950

City: Chicago

State: IL Zip: 60602

Telephone: (312) 641-1321

Primary Email: ctobin@barristers.com

Witness date \_\_\_\_\_

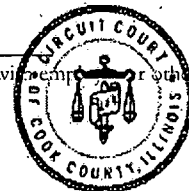
1/8/2021 12:34 PM IRIS Y. MARTINEZ

IRIS Y. MARTINEZ, Clerk of Court

☐ Service by Certified Mail: \_\_\_\_\_

☐ Date of Service: \_\_\_\_\_

(To be inserted by officer on copy left with \_\_\_\_\_ or other person)



Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois  
[cookcountyclerkofcourt.org](http://cookcountyclerkofcourt.org)

**GET YOUR COURT DATE BY CALLING IN OR BY EMAIL**

**CALL OR SEND AN EMAIL MESSAGE** to the telephone number or court date email address below for the appropriate division, district or department to request your next court date. Email your case number, or, if you do not have your case number, email the Plaintiff or Defendant's name for civil case types, or the Defendant's name and birthdate for a criminal case.

**CHANCERY DIVISION**

Court date EMAIL: ChanCourtDate@cookcountycourt.com  
Gen. Info: (312) 603-5133

**CIVIL DIVISION**

Court date EMAIL: CivCourtDate@cookcountycourt.com  
Gen. Info: (312) 603-5116

**COUNTY DIVISION**

Court date EMAIL: CntyCourtDate@cookcountycourt.com  
Gen. Info: (312) 603-5710

**DOMESTIC RELATIONS/CHILD SUPPORT  
DIVISION**

Court date EMAIL: DRCourtDate@cookcountycourt.com  
OR  
ChildSupCourtDate@cookcountycourt.com  
Gen. Info: (312) 603-6300

**DOMESTIC VIOLENCE**

Court date EMAIL: DVCourtDate@cookcountycourt.com  
Gen. Info: (312) 325-9500

**LAW DIVISION**

Court date EMAIL: LawCourtDate@cookcountycourt.com  
Gen. Info: (312) 603-5426

**PROBATE DIVISION**

Court date EMAIL: ProbCourtDate@cookcountycourt.com  
Gen. Info: (312) 603-6441

**ALL SUBURBAN CASE TYPES**

**DISTRICT 2 - SKOKIE**

Court date EMAIL: D2CourtDate@cookcountycourt.com  
Gen. Info: (847) 470-7250

**DISTRICT 3 - ROLLING MEADOWS**

Court date EMAIL: D3CourtDate@cookcountycourt.com  
Gen. Info: (847) 818-3000

**DISTRICT 4 - MAYWOOD**

Court date EMAIL: D4CourtDate@cookcountycourt.com  
Gen. Info: (708) 865-6040

**DISTRICT 5 - BRIDGEVIEW**

Court date EMAIL: D5CourtDate@cookcountycourt.com  
Gen. Info: (708) 974-6500

**DISTRICT 6 - MARKHAM**

Court date EMAIL: D6CourtDate@cookcountycourt.com  
Gen. Info: (708) 232-4551

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2120 - Served	2121 - Served	2620 - Sec. of State
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Name all Parties

Nicholas Giovannelli

Plaintiff(s)

v.  
Walmart, Inc., Wal-mart.Com USA, LLC,  
The Stocktrek Corporation d/b/aStocktrek Images,  
Inc., Pixels.com, Amazon.Com, Inc., Amazon.Com  
Services, LLC, and Posterazzi Corp.

Case No. 2020 L 000144

Walmart, Inc. Defendant(s)  
c/o CT Corporation System  
208 S. LaSalle St., Suite 814  
Chicago, IL 60604

Address of Defendant(s)

Please serve as follows (check one): ☐ Certified Mail ☒ Sheriff Service ☐ Alias

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\* 0 3 4 5 3 9 6 4 \*

DIE DATE  
02/08/2021

DOC. TYPE: LAW  
CASE NUMBER: 2020L000144  
DEFENDANT  
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CHICAGO, IL 60604  
SUITE 814

SERVICE INF  
C/O CT COR

ATTACHED

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Atty. for (if applicable):

Tobin & Muñoz, L.L.C.

Address: 70 W. Madison St., Suite 1950

City: Chicago

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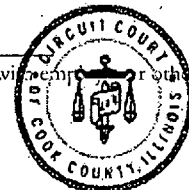
Witness date \_\_\_\_\_

1/8/2021 12:34 PM IRIS Y. MARTINEZ

IRIS Y. MARTINEZ, Clerk of Court

☐ Service by Certified Mail: \_\_\_\_\_

☐ Date of Service: \_\_\_\_\_  
(To be inserted by officer on copy left with \_\_\_\_\_ or other person)



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[cookcountyclerkofcourt.org](http://cookcountyclerkofcourt.org)



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COUNTY DEPARTMENT, LAW DIVISION

NICHOLAS GIOVANNELLI,

Plaintiff,

v.

WALMART, INC., WAL-MART.COM USA, LLC,  
THE STOCKTREK CORPORATION d/b/a  
STOCKTREK IMAGES, INC., PIXELS.COM, LLC,  
AMAZON.COM, INC., AMAZON.COM SERVICES,  
LLC, and POSTERAZZI CORP.

Defendants.

No.:

JURY DEMANDED

COMPLAINT AT LAW

Now comes the plaintiff, Nicholas Giovannelli, by and through his attorneys, Craig D. Tobin of Tobin & Munoz LLC, and as and for his complaint against defendants Walmart, Inc., Wal-Mart.Com USA, LLC, The Stocktrek Corporation d/b/a StockTrek Images, Inc., Pixels.Com, LLC, Amazon.Com, Inc., Amazon.Com Services, LLC, and Posterazzi Corp. states as follows:

1. This action is brought under the Illinois Right of Publicity Act, 765 ILCS 1075/1 *et seq.* (1999), and the common law action for Negligent Infliction of Emotional Distress.

PARTIES

2. At all relevant times hereto, the plaintiff, Nicholas Giovannelli, was and is a citizen of Cook County, Illinois. Giovannelli is a decorated combat veteran, having served in the Airborne Infantry of the U.S Army, beginning in 2007, including multiple tours of duty in Afghanistan. He was honorably discharged for medical reasons in 2015.

3. WalMart, Inc., at all relevant times hereto, is a Delaware corporation present and doing business in Cook County, Illinois. WalMart, Inc. is in the business of selling general merchandise through their stores, including photographic images.

4. Wal-Mart.com USA, LLC, at all relevant times hereto, is a California limited liability company present and doing business in Cook County, Illinois. Wal-Mart.com USA, LLC is in the business of selling general merchandise through the internet, including photographic images.

5. The StockTrek Corporation d/b/a StockTrek Images, Inc., at all relevant times hereto, is a Delaware corporation present and doing business in Cook County, Illinois. StockTrek is in the business of selling photographic images, primarily through the internet.

6. Pixels.com, LLC, at all relevant times hereto, is an Illinois limited liability company, present and doing business in Cook County, Illinois. Pixels.com is in the business of selling photographic images, primarily through the internet.

7. Amazon.Com, Inc., at all relevant times hereto, is a Delaware corporation present and doing business in Cook County, Illinois. Amazon.com, Inc. is in the business of selling general merchandise through the internet, including photographic images.

8. Amazon.Com Services, LLC, at all relevant times hereto, is a Delaware limited liability company, present and doing business in Cook County, Illinois. Amazon.Com Services, LLC is in the business of selling general merchandise through the internet, including photographic images.

9. Posterazzi Corp., at all relevant times hereto, is a New York corporation, present and doing business in Cook County, Illinois. Posterazzi Corp. is in the business of selling photographic images, primarily through the internet.

FACTS COMMON TO ALL COUNTS

10. During his service in the Airborne Infantry, Giovannelli participated in over 100 combat patrols. As a result of his service, Giovannelli was awarded the Purple Heart, Combat Infantry Badge, and Army Commendation with V Device, for acts of heroism while involved in conflict with an armed enemy.

11. As a result of his service, Giovannelli developed certain medical issues: herniated disks in his lower back and neck, post-concussion headaches as a result of traumatic brain injury, and PTSD. As a result of these conditions, Giovannelli was given a medical retirement in 2015. Giovannelli continues to be treated for these conditions.

12. While Giovannelli was serving in the military, he was photographed by Army photographers while in combat.

13. Recently, Giovannelli discovered that photographs taken of him while in the military were being publicly sold, for commercial purposes, through for-profit entities.

14. Giovannelli has never given consent to any of the defendants to use his image for any purpose, including financial gain.

COUNT I—Walmart, Inc.

15. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

16. During 2020 and, upon information and belief, earlier than 2020, WalMart, Inc., at its stores throughout the country and online, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

17. WalMart, Inc. profited financially from the sale of Giovannelli's image.

18. At all relevant times, WalMart, Inc. knew that it lacked consent from Giovannelli to commercially exploit his image. WalMart, Inc.'s actions were willful and malicious, and punitive damages are appropriate.

19. As a result of WalMart, Inc.'s actions, Giovannelli has suffered extreme emotional distress. As a result of WalMart, Inc.'s actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Wal-Mart, Inc.:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT II—Wal-Mart.Com USA, LLC

20. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

21. During 2020 and, upon information and belief, earlier than 2020, Wal-Mart.com USA, LLC, at its stores throughout the country and online, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

22. Wal-Mart.com USA, LLC profited financially from the sale of Giovannelli's image.

23. At all relevant times, Wal-Mart.com USA, LLC knew that it lacked consent from Giovannelli to commercially exploit his image. Wal-Mart.com USA, LLC's actions were willful and malicious, and punitive damages are appropriate.

24. As a result of Wal-Mart.com USA, LLC's actions, Giovannelli has suffered extreme emotional distress. As a result of Wal-Mart.com USA, LLC's actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Wal-Mart.com USA, LLC:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT III— The StockTrek Corporation d/b/a StockTrek Images, Inc.

25. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

26. StockTrek Images, Inc., during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

27. StockTrek Images, Inc. profited financially from the sale of Giovannelli's image.

28. At all relevant times, StockTrek Images, Inc. knew that it lacked consent from Giovannelli to commercially exploit his image. StockTrek Images, Inc.'s actions were willful and malicious, and punitive damages are appropriate.

29. As a result of StockTrek Images, Inc.'s actions, Giovannelli has suffered extreme emotional distress. As a result of StockTrek Images, Inc.'s actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from StockTrek Images, Inc.:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs, and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT IV—Pixels.Com, LLC

30. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

31. Pixels.Com, LLC, during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

32. Pixels.Com, LLC profited financially from the sale of Giovannelli's image.

33. At all relevant times, Pixels.Com, LLC knew that it lacked consent from Giovannelli to commercially exploit his image. Pixel.com, LLC's actions were willful and malicious, and punitive damages are appropriate.

34. As a result of Pixels.Com, LLC's actions, Giovannelli has suffered extreme emotional distress. As a result of Pixels.Com, LLC's actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Pixel's.Com, LLC:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs, and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT V—Posterazzi Corp.

35. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

36. Posterazzi Corp., during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat. During this time period, Posterazzi Corp. sold posters which not only bore Giovannelli's image but also identified him by name and rank.

37. Posterazzi Corp. profited financially from the sale of Giovannelli's image.



38. At all relevant times, Posterazzi Corp. knew that it lacked consent from Giovannelli to commercially exploit his image. Posterazzi Corp.'s actions were willful and malicious, and punitive damages are appropriate.

39. As a result of Posterazzi Corp.'s actions, Giovannelli has suffered extreme emotional distress. As a result of Posterazzi Corp.'s actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Posterazzi Corp.:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs, and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT VI—Amazon.Com, Inc.

40. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

41. Amazon.Com, Inc., during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

42. Amazon.Com, Inc. profited financially from the sale of Giovannelli's image.

43. At all relevant times, Amazon.Com, Inc. knew that it lacked consent from Giovannelli to commercially exploit his image. Amazon.Com, Inc.'s actions were willful and malicious, and punitive damages are appropriate.

44. As a result of Amazon.Com, Inc.'s actions, Giovannelli has suffered extreme emotional distress. As a result of Amazon.Com, Inc.'s actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Amazon.Com, Inc.:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT VII—Amazon.Com Services, LLC

45. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

46. Amazon.Com Services, LLC, during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

47. Amazon.Com Services, LLC profited financially from the sale of Giovannelli's image.

48. At all relevant times, Amazon.Com Services, LLC, knew that it lacked consent from Giovannelli to commercially exploit his image. Amazon.Com Services, LLC's actions were willful and malicious, and punitive damages are appropriate.

49. As a result of Amazon.Com Services, LLC's actions, Giovannelli has suffered extreme emotional distress. As a result of Amazon.Com Services, LLC's actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Amazon.Com Services, LLC's:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT VIII—WalMart, Inc.--NIES

50. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

51. WalMart, Inc. owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

52. WalMart, Inc. breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

53. WalMart, Inc.'s breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant WalMart, Inc. in an amount in excess of One Million Dollars (\$100,000,000.00), plus costs.

COUNT IX—Wal-Mart.Com USA, LLC--NIES

54. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

55. Wal-Mart.Com USA, LLC owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

56. Wal-Mart.Com USA, LLC breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

57. Wal-Mart.Com USA, LLC's breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Wal-Mart.Com USA, LLC in an amount in excess of One Million Dollars (\$100,000,000.00), plus costs.

COUNT X—StockTrek Images, Inc.--NIES

58. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

59. StockTrek Images, Inc. owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

60. StockTrek Images, Inc. breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

61. StockTrek Images, Inc.'s breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant StockTrek in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

COUNT XI—Pixels.Com, LLC--NIES

62. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

63. Pixels.Com, LLC owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

64. Pixels.Com, LLC breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

65. Pixels.Com, LLC's breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Pixels.Com, LLC in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

COUNT XII—Amazon.Com, Inc.--NIES

66. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

67. Amazon.Com, Inc. owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

68. Amazon.Com, Inc. breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

69. Amazon.Com, Inc.'s breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's

PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Amazon.Com, Inc. in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

COUNT XIII—Amazon.Com Services, LLC--NIES

70. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

71. Amazon.Com Services, LLC owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

72. Amazon.Com Services, LLC breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

73. Amazon.Com Services, LLC's breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Amazon.Com Services, LLC in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

COUNT XIV—Posterazzi Corp.--NIES

74. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

75. Posterazzi Corp. owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

76. Posterazzi Corp. breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

77. Posterazzi Corp.'s breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Posterazzi Corp.'s in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

Plaintiff demands trial by jury on all counts.

s/ Craig D. Tobin  
Craig D. Tobin  
One of Plaintiff's attorneys

Craig D. Tobin  
Jessica Firlej  
Attorneys for Plaintiff  
Tobin & Munoz, L.L.C.  
70 W Madison Street, Suite 1950  
Chicago, IL 60602-4298  
Office: (312) 641-1321  
Fax: (312) 641-5220  
Email: [ctobin@barristers.com](mailto:ctobin@barristers.com)  
[jfirlej@barristers.com](mailto:jfirlej@barristers.com)  
Attorney No.: 47276



1910 - No Fee Paid  
1919 - Fee Paid  
Jury Demand

(Rev. 12/01/20) CCG 0067

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

County \_\_\_\_\_ DEPARTMENT/ \_\_\_\_\_ 1st DISTRICT

Nicholas Giovannelli

Walmart, Inc., Wal-mart.Com USA<sup>v</sup>, LLC,  
The Stocktrek Corporation d/b/a Stocktrek Images,  
Inc., Pixels.com, LLC, Amazon.Com, Inc., Amazon.Com  
Services, LLC, and Posterazzi Corp.

No. \_\_\_\_\_

**JURY DEMAND**

The undersigned demands a jury trial.

Craig D. Tobin  
\_\_\_\_\_  
(Signature)

☐ Atty. No.: 47276  
Name: Craig D. Tobin  
Atty. for: Tobin & Muñoz, L.L.C.  
Address: 70 West Madison St., Suite 1950  
City/State/Zip: Chicago, IL 60602  
Telephone: (312) 641-1321  
Primary Email: ctobin@barristers.com

**Dated:** January 6, 2021

FILED  
1/6/2021 12:25 PM  
IRIS Y. MARTINEZ  
CIRCUIT CLERK  
COOK COUNTY, IL  
2021L000144  
11724878

IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, LAW DIVISION

NICHOLAS GIOVANNELLI,

Plaintiff,

v.,

WALMART, INC., WAL-MART.COM USA, LLC,  
THE STOCKTREK CORPORATION d/b/a  
STOCKTREK IMAGES, INC., PIXELS.COM, LLC,  
AMAZON.COM, INC., AMAZON.COM SERVICES,  
LLC, and POSTERAZZI CORP.

Defendants.

No.:

JURY DEMANDED

ILLINOIS SUPREME COURT RULE 222(B) AFFIDAVIT

The undersigned certifies that the amount of damages sought in the above-captioned case does exceed \$50,000.00.

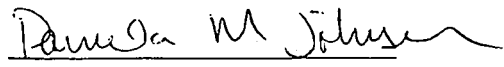
Respectfully Submitted,

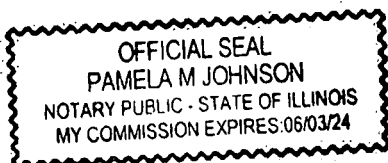
CRAIG D. TOBIN

By: 

Craig D. Tobin  
Jessica Firlej  
Tobin & Munoz, L.L.C.  
70 W Madison, Suite 1950  
Chicago IL 60602-4298  
Office: (312) 641-1321  
Fax: (312) 641-5220  
ctobin@barristers.com  
jfirlej@barristers.com  
Attorney No.: 47276

SUBSCRIBED AND SWORN  
TO BEFORE ME THIS 6<sup>th</sup>  
day of January 2021

  
NOTARY PUBLIC



FILED  
1/8/2021 12:34 PM  
IRIS Y. MARTINEZ  
CIRCUIT CLERK  
COOK COUNTY, IL  
2021L000144

11757289

2120 - Served	2121 - Served	2620 - Sec. of State
2220 - Not Served	2221 - Not Served	2621 - Alias Sec of State
2320 - Served By Mail	2321 - Served By Mail	
2420 - Served By Publication	2421 - Served By Publication	
Summons - Alias Summons		(12/01/20) CCG 0001 A

### IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Name all Parties

Nicholas Giovannelli

Plaintiff(s)

v.

Walmart, Inc., Wal-mart.Com USA, LLC,  
The Stocktrek Corporation d/b/a Stocktrek Images,  
Inc., Pixels.com, Amazon.Com, Inc., Amazon.Com  
Services, LLC, and Posterazzi Corp.

Posterazzi Corp.  
c/o James Ferrazzano  
144 Main Street  
Chester, NY 10918

Defendant(s)

Address of Defendant(s)

Case No. 2020 L 000144

RECEIVED  
ORANGE COUNTY SHERIFF  
2021 JAN 22 A 11:19

Please serve as follows (check one): ☐ Certified Mail ☒ Sheriff Service ☐ Alias

### SUMMONS

To each Defendant:

You have been named a defendant in the complaint in this case, a copy of which is hereto attached. You are summoned and required to file your appearance, in the office of the clerk of this court, within 30 days after service of this summons, not counting the day of service. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.

### THERE WILL BE A FEE TO FILE YOUR APPEARANCE.

To file your written appearance/answer **YOU DO NOT NEED TO COME TO THE COURTHOUSE.** You will need: a computer with internet access; an email address; a completed Appearance form that can be found at <http://www.illinoiscourts.gov/Forms/approved/procedures/appearance.asp>; and a credit card to pay any required fees.

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois  
[cookcountyclerkofcourt.org](http://cookcountyclerkofcourt.org)

**Summons - Alias Summons**

(12/01/20) CCG 0001 B

E-filing is now mandatory with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider.

If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/faq/gethelp.asp> or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit [www.illinoislegalaid.org](http://www.illinoislegalaid.org).

If you are unable to pay your court fees, you can apply for a fee waiver. For information about defending yourself in a court case (including filing an appearance or fee waiver), or to apply for free legal help, go to [www.illinoislegalaid.org](http://www.illinoislegalaid.org). You can also ask your local circuit clerk's office for a fee waiver application.

Please call or email the appropriate clerk's office location (on Page 3 of this summons) to get your court hearing date AND for information whether your hearing will be held by video conference or by telephone. The Clerk's office is open Mon - Fri, 8:30 am - 4:30 pm, except for court holidays.

**NOTE: Your appearance date is NOT a court date. It is the date that you have to file your completed appearance by. You may file your appearance form by e-filing unless you are exempted.**

A court date will be set in the future and you will be notified by email (either to the email address that you used to register for e-filing, or that you provided to the clerk's office).

**CONTACT THE CLERK'S OFFICE for information regarding COURT DATES by visiting our website: [cookcountyclerkofcourt.org](http://cookcountyclerkofcourt.org); download our mobile app from the AppStore or Google play, or contact the appropriate clerk's office location listed on Page 3.**

To the officer: (Sheriff Service)

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than thirty (30) days after its date.

☒ Atty. No.: 47276

☐ Pro Se 99500

Name: Craig D. Tobin

Atty. for (if applicable):

Tobin & Muñoz, L.L.C.

Address: 70 W. Madison St., Suite 1950

City: Chicago

State: IL Zip: 60602

Telephone: (312) 641-1321

Primary Email: ctobin@barristers.com

Witness date \_\_\_\_\_

1/8/2021 12:34 PM IRIS Y. MARTINEZ

IRIS Y. MARTINEZ, Clerk of Court

☐ Service by Certified Mail: \_\_\_\_\_

☐ Date of Service: \_\_\_\_\_  
(To be inserted by officer with employer or other person)



Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois

[cookcountyclerkofcourt.org](http://cookcountyclerkofcourt.org)



12-Person Jury

FILED  
1/6/2021 12:25 PM  
IRIS Y. MARTINEZ  
CIRCUIT CLERK  
COOK COUNTY, IL  
2021L000144  
11724878

IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, LAW DIVISION

NICHOLAS GIOVANNELLI,

Plaintiff,

v.

WALMART, INC., WAL-MART.COM USA, LLC,  
THE STOCKTREK CORPORATION d/b/a  
STOCKTREK IMAGES, INC., PIXELS.COM, LLC,  
AMAZON.COM, INC., AMAZON.COM SERVICES,  
LLC, and POSTERAZZI CORP.

Defendants.

No.:

JURY DEMANDED

COMPLAINT AT LAW

Now comes the plaintiff, Nicholas Giovannelli, by and through his attorneys, Craig D. Tobin of Tobin & Munoz LLC, and as and for his complaint against defendants Walmart, Inc., Wal-Mart.Com USA, LLC, The Stocktrek Corporation d/b/a StockTrek Images, Inc., Pixels.Com, LLC, Amazon.Com, Inc., Amazon.Com Services, LLC, and Posterazzi Corp. states as follows:

1. This action is brought under the Illinois Right of Publicity Act, 765 ILCS 1075/1 *et seq.* (1999), and the common law action for Negligent Infliction of Emotional Distress.

PARTIES

2. At all relevant times hereto, the plaintiff, Nicholas Giovannelli, was and is a citizen of Cook County, Illinois. Giovannelli is a decorated combat veteran, having served in the Airborne Infantry of the U.S Army, beginning in 2007, including multiple tours of duty in Afghanistan. He was honorably discharged for medical reasons in 2015.

3. WalMart, Inc., at all relevant times hereto, is a Delaware corporation present and doing business in Cook County, Illinois. WalMart, Inc. is in the business of selling general merchandise through their stores, including photographic images.

4. Wal-Mart.com USA, LLC, at all relevant times hereto, is a California limited liability company present and doing business in Cook County, Illinois. Wal-Mart.com USA, LLC is in the business of selling general merchandise through the internet, including photographic images.

5. The StockTrek Corporation d/b/a StockTrek Images, Inc., at all relevant times hereto, is a Delaware corporation present and doing business in Cook County, Illinois. StockTrek is in the business of selling photographic images, primarily through the internet.

6. Pixels.com, LLC, at all relevant times hereto, is an Illinois limited liability company, present and doing business in Cook County, Illinois. Pixels.com is in the business of selling photographic images, primarily through the internet.

7. Amazon.Com, Inc., at all relevant times hereto, is a Delaware corporation present and doing business in Cook County, Illinois. Amazon.com, Inc. is in the business of selling general merchandise through the internet, including photographic images.

8. Amazon.Com Services, LLC, at all relevant times hereto, is a Delaware limited liability company, present and doing business in Cook County, Illinois. Amazon.Com Services, LLC is in the business of selling general merchandise through the internet, including photographic images.

9. Posterazzi Corp., at all relevant times hereto, is a New York corporation, present and doing business in Cook County, Illinois. Posterazzi Corp. is in the business of selling photographic images, primarily through the internet.

FACTS COMMON TO ALL COUNTS

10. During his service in the Airborne Infantry, Giovannelli participated in over 100 combat patrols. As a result of his service, Giovannelli was awarded the Purple Heart, Combat Infantry Badge, and Army Commendation with V Device, for acts of heroism while involved in conflict with an armed enemy.

11. As a result of his service, Giovannelli developed certain medical issues: herniated disks in his lower back and neck, post-concussion headaches as a result of traumatic brain injury, and PTSD. As a result of these conditions, Giovannelli was given a medical retirement in 2015. Giovannelli continues to be treated for these conditions.

12. While Giovannelli was serving in the military, he was photographed by Army photographers while in combat.

13. Recently, Giovannelli discovered that photographs taken of him while in the military were being publicly sold, for commercial purposes, through for-profit entities.

14. Giovannelli has never given consent to any of the defendants to use his image for any purpose, including financial gain.

COUNT I—Walmart, Inc.

15. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

16. During 2020 and, upon information and belief, earlier than 2020, WalMart, Inc., at its stores throughout the country and online, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

17. WalMart, Inc. profited financially from the sale of Giovannelli's image.



18. At all relevant times, WalMart, Inc. knew that it lacked consent from Giovannelli to commercially exploit his image. WalMart, Inc.'s actions were willful and malicious, and punitive damages are appropriate.

19. As a result of WalMart, Inc.'s actions, Giovannelli has suffered extreme emotional distress. As a result of WalMart, Inc.'s actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Wal-Mart, Inc.:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT II—Wal-Mart.Com USA, LLC

20. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

21. During 2020 and, upon information and belief, earlier than 2020, Wal-Mart.com USA, LLC, at its stores throughout the country and online, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

22. Wal-Mart.com USA, LLC profited financially from the sale of Giovannelli's image.



23. At all relevant times, Wal-Mart.com USA, LLC knew that it lacked consent from Giovannelli to commercially exploit his image. Wal-Mart.com USA, LLC's actions were willful and malicious, and punitive damages are appropriate.

24. As a result of Wal-Mart.com USA, LLC's actions, Giovannelli has suffered extreme emotional distress. As a result of Wal-Mart.com USA, LLC's actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Wal-Mart.com USA, LLC:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT III— The StockTrek Corporation d/b/a StockTrek Images, Inc.

25. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

26. StockTrek Images, Inc., during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

27. StockTrek Images, Inc. profited financially from the sale of Giovannelli's image.

28. At all relevant times, StockTrek Images, Inc. knew that it lacked consent from Giovannelli to commercially exploit his image. StockTrek Images, Inc.'s actions were willful and malicious, and punitive damages are appropriate.

29. As a result of StockTrek Images, Inc.'s actions, Giovannelli has suffered extreme emotional distress. As a result of StockTrek Images, Inc.'s actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from StockTrek Images, Inc.:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs, and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT IV—Pixels.Com, LLC

30. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

31. Pixels.Com, LLC, during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

32. Pixels.Com, LLC profited financially from the sale of Giovannelli's image.

33. At all relevant times, Pixels.Com, LLC knew that it lacked consent from Giovannelli to commercially exploit his image. Pixel.com, LLC's actions were willful and malicious, and punitive damages are appropriate.

34. As a result of Pixels.Com, LLC's actions, Giovannelli has suffered extreme emotional distress. As a result of Pixels.Com, LLC's actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Pixel's.Com, LLC:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs, and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT V—Posterazzi Corp.

35. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

36. Posterazzi Corp., during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat. During this time period, Posterazzi Corp. sold posters which not only bore Giovannelli's image but also identified him by name and rank.

37. Posterazzi Corp. profited financially from the sale of Giovannelli's image.

38. At all relevant times, Posterazzi Corp. knew that it lacked consent from Giovannelli to commercially exploit his image. Posterazzi Corp.'s actions were willful and malicious, and punitive damages are appropriate.

39. As a result of Posterazzi Corp.'s actions, Giovannelli has suffered extreme emotional distress. As a result of Posterazzi Corp.'s actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Posterazzi Corp.:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs, and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT VI—Amazon.Com, Inc.

40. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

41. Amazon.Com, Inc., during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

42. Amazon.Com, Inc. profited financially from the sale of Giovannelli's image.



43. At all relevant times, Amazon.Com, Inc. knew that it lacked consent from Giovannelli to commercially exploit his image. Amazon.Com, Inc.'s actions were willful and malicious, and punitive damages are appropriate.

44. As a result of Amazon.Com, Inc.'s actions, Giovannelli has suffered extreme emotional distress. As a result of Amazon.Com, Inc.'s actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Amazon.Com, Inc.:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT VII—Amazon.Com Services, LLC

45. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

46. Amazon.Com Services, LLC, during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

47. Amazon.Com Services, LLC profited financially from the sale of Giovannelli's image.

48. At all relevant times, Amazon.Com Services, LLC, knew that it lacked consent from Giovannelli to commercially exploit his image. Amazon.Com Services, LLC's actions were willful and malicious, and punitive damages are appropriate.

49. As a result of Amazon.Com Services, LLC's actions, Giovannelli has suffered extreme emotional distress. As a result of Amazon.Com Services, LLC's actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Amazon.Com Services, LLC's:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT VIII—WalMart, Inc.--NIES

50. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

51. WalMart, Inc. owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

52. WalMart, Inc. breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

53. WalMart, Inc's breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant WalMart, Inc. in an amount in excess of One Million Dollars (\$100,000,000.00), plus costs.

COUNT IX—Wal-Mart.Com USA, LLC--NIES

54. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

55. Wal-Mart.Com USA, LLC owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

56. Wal-Mart.Com USA, LLC breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

57. Wal-Mart.Com USA, LLC's breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Wal-Mart.Com USA, LLC in an amount in excess of One Million Dollars (\$100,000,000.00), plus costs.

COUNT X—StockTrek Images, Inc.--NIES

58. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

59. StockTrek Images, Inc. owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

60. StockTrek Images, Inc. breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

61. StockTrek Images, Inc.'s breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant StockTrek in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

COUNT XI—Pixels.Com, LLC--NIES

62. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.



63. Pixels.Com, LLC owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

64. Pixels.Com, LLC breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

65. Pixels.Com, LLC's breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Pixels.Com, LLC in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

COUNT XII—Amazon.Com, Inc.--NIES

66. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

67. Amazon.Com, Inc. owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

68. Amazon.Com, Inc. breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

69. Amazon.Com, Inc.'s breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's

PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Amazon.Com, Inc. in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

COUNT XIII—Amazon.Com Services, LLC--NIES

70. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

71. Amazon.Com Services, LLC owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

72. Amazon.Com Services, LLC breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

73. Amazon.Com Services, LLC's breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Amazon.Com Services, LLC in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

COUNT XIV—Posterazzi Corp.--NIES

74. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

75. Posterazzi Corp. owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

76. Posterazzi Corp. breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

77. Posterazzi Corp.'s breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Posterazzi Corp.'s in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

Plaintiff demands trial by jury on all counts.

s/ Craig D. Tobin  
Craig D. Tobin  
One of Plaintiff's attorneys

Craig D. Tobin  
Jessica Firlej  
Attorneys for Plaintiff  
Tobin & Munoz, L.L.C.  
70 W Madison Street, Suite 1950  
Chicago, IL 60602-4298  
Office: (312) 641-1321  
Fax: (312) 641-5220  
Email: [ctobin@barristers.com](mailto:ctobin@barristers.com)  
[jfirlej@barristers.com](mailto:jfirlej@barristers.com)  
Attorney No.: 47276



FILED  
1/6/2021 12:25 PM  
IRIS Y. MARTINEZ  
CIRCUIT CLERK  
COOK COUNTY, IL  
2021L000144  
11724878

IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, LAW DIVISION

NICHOLAS GIOVANNELLI,  
Plaintiff,

v.

WALMART, INC., WAL-MART.COM USA, LLC,  
THE STOCKTREK CORPORATION d/b/a  
STOCKTREK IMAGES, INC., PIXELS.COM, LLC,  
AMAZON.COM, INC., AMAZON.COM SERVICES,  
LLC, and POSTERAZZI CORP.

Defendants.

No.:

JURY DEMANDED

**ILLINOIS SUPREME COURT RULE 222(B) AFFIDAVIT**

The undersigned certifies that the amount of damages sought in the above-captioned case does exceed \$50,000.00.

Respectfully Submitted,

CRAIG D. TOBIN

By: 

Craig D. Tobin  
Jessica Firlej  
Tobin & Munoz, L.L.C.  
70 W Madison, Suite 1950  
Chicago IL 60602-4298  
Office: (312) 641-1321  
Fax: (312) 641-5220  
ctobin@barristers.com  
jfirlej@barristers.com  
Attorney No.: 47276

SUBSCRIBED AND SWORN  
TO BEFORE ME THIS 6<sup>th</sup>  
day of January 2021

  
NOTARY PUBLIC





## Notice of Service of Process

null / ALL  
Transmittal Number: 22616283  
Date Processed: 01/26/2021

**Primary Contact:** Ms. Lynn Radliff  
Amazon.Com, Inc.  
440 Terry Ave N  
Seattle, WA 98109-5210

**Electronic copy provided to:** Vivian Ching  
Lynn Foley-Jefferson  
Joell Parks  
Lizette Fernandez  
Stephanie Habben  
Marcela Viegas  
Sara Rawson  
Theresa Nixon  
Gianmarco Vairo  
Eugide Matondo  
Michelle King  
Rebecca Hartley  
Jesse Jensen  
Rochelle Lewis  
Karen Curtis  
Kimberly Thomas  
Maria Catana  
Stephen Swisher

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**Entity:** Amazon.com Services LLC  
Entity ID Number 2102616

**Entity Served:** Amazon.com Services, LLC

**Title of Action:** Nicholas Giovannelli vs. Walmart, Inc.

**Matter Name/ID:** Nicholas Giovannelli vs. Walmart, Inc. (10850451)

**Document(s) Type:** Summons/Complaint

**Nature of Action:** Others

**Court/Agency:** Cook County Circuit Court, IL

**Case/Reference No:** 2021L000144

**Jurisdiction Served:** Illinois

**Date Served on CSC:** 01/25/2021

**Answer or Appearance Due:** 30 Days

**Originally Served On:** CSC

**How Served:** Personal Service

**Sender Information:** Craig D. Tobin  
312-641-1321

**Client Requested Information:** Amazon Case Type: N/A

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Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

**To avoid potential delay, please do not send your response to CSC**

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | [sop@cscglobal.com](mailto:sop@cscglobal.com)

FILED  
1/8/2021 12:34 PM  
IRIS Y. MARTINEZ  
CIRCUIT CLERK  
COOK COUNTY, IL  
2021L000144

11757289

2120 - Served	2121 - Served	2620 - Sec. of State
2220 - Not Served	2221 - Not Served	2621 - Alias Sec of State
2320 - Served By Mail	2321 - Served By Mail	
2420 - Served By Publication	2421 - Served By Publication	
Summons - Alias Summons		(12/01/20) CCG 0001 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Name all Parties

Nicholas Giovannelli

Plaintiff(s)

v.

Walmart, Inc., Wal-mart.Com USA, LLC,  
The Stocktrek Corporation d/b/aStocktrek Images,  
Inc., Pixels.com, Amazon.Com, Inc., Amazon.Com  
Services, LLC, and Posterazzi Corp.

Case No. 2020 L 000144

Amazon.Com Services, LLC Defendant(s)  
c/o Illinois Corporation Service Company  
801 Adlai Stevenson Drive  
Springfield, IL 62703

Address of Defendant(s)

Please serve as follows (check one): ☐ Certified Mail ☒ Sheriff Service ☐ Alias

SUMMONS

To each Defendant:

You have been named a defendant in the complaint in this case, a copy of which is hereto attached. You are summoned and required to file your appearance, in the office of the clerk of this court, within 30 days after service of this summons, not counting the day of service. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.

**THERE WILL BE A FEE TO FILE YOUR APPEARANCE.**

To file your written appearance/answer **YOU DO NOT NEED TO COME TO THE COURTHOUSE.** You will need: a computer with internet access; an email address; a completed Appearance form that can be found at <http://www.illinoiscourts.gov/Forms/approved/procedures/appearance.asp>; and a credit card to pay any required fees.

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois  
[cookcountyclerkofcourt.org](http://cookcountyclerkofcourt.org)

## Summons - Alias Summons

(12/01/20) CCG 0001 B

E-filing is now mandatory with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider.

If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/faq/gethelp.asp> or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit [www.illinoislegalaid.org](http://www.illinoislegalaid.org).

If you are unable to pay your court fees, you can apply for a fee waiver. For information about defending yourself in a court case (including filing an appearance or fee waiver), or to apply for free legal help, go to [www.illinoislegalaid.org](http://www.illinoislegalaid.org). You can also ask your local circuit clerk's office for a fee waiver application.

Please call or email the appropriate clerk's office location (on Page 3 of this summons) to get your court hearing date AND for information whether your hearing will be held by video conference or by telephone. The Clerk's office is open Mon - Fri, 8:30 am - 4:30 pm, except for court holidays.

**NOTE: Your appearance date is NOT a court date. It is the date that you have to file your completed appearance by. You may file your appearance form by e-filing unless you are exempted.**

A court date will be set in the future and you will be notified by email (either to the email address that you used to register for e-filing, or that you provided to the clerk's office).

**CONTACT THE CLERK'S OFFICE** for information regarding **COURT DATES** by visiting our website: [cookcountyclerkofcourt.org](http://cookcountyclerkofcourt.org); download our mobile app from the AppStore or Google play, or contact the appropriate clerk's office location listed on Page 3.

To the officer: (Sheriff Service)

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than thirty (30) days after its date.

☒ Atty. No.: 47276

☐ Pro Se 99500

Name: Craig D. Tobin

Atty. for (if applicable):

Tobin & Muñoz, L.L.C.

Address: 70 W. Madison St., Suite 1950

City: Chicago

State: IL Zip: 60602

Telephone: (312) 641-1321

Primary Email: ctobin@barristers.com

Witness date \_\_\_\_\_

1/8/2021 12:34 PM IRIS Y. MARTINEZ

IRIS Y. MARTINEZ, Clerk of Court

☐ Service by Certified Mail: \_\_\_\_\_

☐ Date of Service: \_\_\_\_\_

(To be inserted by person left with employer or other person)



Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois  
[cookcountyclerkofcourt.org](http://cookcountyclerkofcourt.org)

**GET YOUR COURT DATE BY CALLING IN OR BY EMAIL**

**CALL OR SEND AN EMAIL MESSAGE** to the telephone number or court date email address below for the appropriate division, district or department to request your next court date. Email your case number, or, if you do not have your case number, email the Plaintiff or Defendant's name for civil case types, or the Defendant's name and birthdate for a criminal case.

**CHANCERY DIVISION**

Court date EMAIL: ChanCourtDate@cookcountycourt.com

Gen. Info: (312) 603-5133

**CIVIL DIVISION**

Court date EMAIL: CivCourtDate@cookcountycourt.com

Gen. Info: (312) 603-5116

**COUNTY DIVISION**

Court date EMAIL: CntyCourtDate@cookcountycourt.com

Gen. Info: (312) 603-5710

**DOMESTIC RELATIONS/CHILD SUPPORT  
DIVISION**

Court date EMAIL: DRCourtDate@cookcountycourt.com

OR

ChildSupCourtDate@cookcountycourt.com

Gen. Info: (312) 603-6300

**DOMESTIC VIOLENCE**

Court date EMAIL: DVCourtDate@cookcountycourt.com

Gen. Info: (312) 325-9500

**LAW DIVISION**

Court date EMAIL: LawCourtDate@cookcountycourt.com

Gen. Info: (312) 603-5426

**PROBATE DIVISION**

Court date EMAIL: ProbCourtDate@cookcountycourt.com

Gen. Info: (312) 603-6441

**ALL SUBURBAN CASE TYPES**

**DISTRICT 2 - SKOKIE**

Court date EMAIL: D2CourtDate@cookcountycourt.com

Gen. Info: (847) 470-7250

**DISTRICT 3 - ROLLING MEADOWS**

Court date EMAIL: D3CourtDate@cookcountycourt.com

Gen. Info: (847) 818-3000

**DISTRICT 4 - MAYWOOD**

Court date EMAIL: D4CourtDate@cookcountycourt.com

Gen. Info: (708) 865-6040

**DISTRICT 5 - BRIDGEVIEW**

Court date EMAIL: D5CourtDate@cookcountycourt.com

Gen. Info: (708) 974-6500

**DISTRICT 6 - MARKHAM**

Court date EMAIL: D6CourtDate@cookcountycourt.com

Gen. Info: (708) 232-4551



12-Person Jury

FILED  
1/6/2021 12:25 PM  
IRIS Y. MARTINEZ  
CIRCUIT CLERK  
COOK COUNTY, IL  
2021L000144  
11724878

IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, LAW DIVISION

NICHOLAS GIOVANNELLI,

Plaintiff,

v.

WALMART, INC., WAL-MART.COM USA, LLC,  
THE STOCKTREK CORPORATION d/b/a  
STOCKTREK IMAGES, INC., PIXELS.COM, LLC,  
AMAZON.COM, INC., AMAZON.COM SERVICES,  
LLC, and POSTERAZZI CORP.

Defendants.

No.:

JURY DEMANDED

COMPLAINT AT LAW

Now comes the plaintiff, Nicholas Giovannelli, by and through his attorneys, Craig D. Tobin of Tobin & Munoz LLC, and as and for his complaint against defendants Walmart, Inc., Wal-Mart.Com USA, LLC, The Stocktrek Corporation d/b/a StockTrek Images, Inc., Pixels.Com, LLC, Amazon.Com, Inc., Amazon.Com Services, LLC, and Posterazzi Corp. states as follows:

1. This action is brought under the Illinois Right of Publicity Act, 765 ILCS 1075/1 *et seq.* (1999), and the common law action for Negligent Infliction of Emotional Distress.

PARTIES

2. At all relevant times hereto, the plaintiff, Nicholas Giovannelli, was and is a citizen of Cook County, Illinois. Giovannelli is a decorated combat veteran, having served in the Airborne Infantry of the U.S Army, beginning in 2007, including multiple tours of duty in Afghanistan. He was honorably discharged for medical reasons in 2015.

3. WalMart, Inc., at all relevant times hereto, is a Delaware corporation present and doing business in Cook County, Illinois. WalMart, Inc. is in the business of selling general merchandise through their stores, including photographic images.

4. Wal-Mart.com USA, LLC, at all relevant times hereto, is a California limited liability company present and doing business in Cook County, Illinois. Wal-Mart.com USA, LLC is in the business of selling general merchandise through the internet, including photographic images.

5. The StockTrek Corporation d/b/a StockTrek Images, Inc., at all relevant times hereto, is a Delaware corporation present and doing business in Cook County, Illinois. StockTrek is in the business of selling photographic images, primarily through the internet.

6. Pixels.com, LLC, at all relevant times hereto, is an Illinois limited liability company, present and doing business in Cook County, Illinois. Pixels.com is in the business of selling photographic images, primarily through the internet.

7. Amazon.Com, Inc., at all relevant times hereto, is a Delaware corporation present and doing business in Cook County, Illinois. Amazon.com, Inc. is in the business of selling general merchandise through the internet, including photographic images.

8. Amazon.Com Services, LLC, at all relevant times hereto, is a Delaware limited liability company, present and doing business in Cook County, Illinois. Amazon.Com Services, LLC is in the business of selling general merchandise through the internet, including photographic images.

9. Posterazzi Corp., at all relevant times hereto, is a New York corporation, present and doing business in Cook County, Illinois. Posterazzi Corp. is in the business of selling photographic images, primarily through the internet.

FACTS COMMON TO ALL COUNTS

10. During his service in the Airborne Infantry, Giovannelli participated in over 100 combat patrols. As a result of his service, Giovannelli was awarded the Purple Heart, Combat Infantry Badge, and Army Commendation with V Device, for acts of heroism while involved in conflict with an armed enemy.

11. As a result of his service, Giovannelli developed certain medical issues: herniated disks in his lower back and neck, post-concussion headaches as a result of traumatic brain injury, and PTSD. As a result of these conditions, Giovannelli was given a medical retirement in 2015. Giovannelli continues to be treated for these conditions.

12. While Giovannelli was serving in the military, he was photographed by Army photographers while in combat.

13. Recently, Giovannelli discovered that photographs taken of him while in the military were being publicly sold, for commercial purposes, through for-profit entities.

14. Giovannelli has never given consent to any of the defendants to use his image for any purpose, including financial gain.

COUNT I—Walmart, Inc.

15. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

16. During 2020 and, upon information and belief, earlier than 2020, WalMart, Inc., at its stores throughout the country and online, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

17. WalMart, Inc. profited financially from the sale of Giovannelli's image.

18. At all relevant times, WalMart, Inc. knew that it lacked consent from Giovannelli to commercially exploit his image. WalMart, Inc.'s actions were willful and malicious, and punitive damages are appropriate.

19. As a result of WalMart, Inc.'s actions, Giovannelli has suffered extreme emotional distress. As a result of WalMart, Inc.'s actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Wal-Mart, Inc.:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT II—Wal-Mart.Com USA, LLC

20. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

21. During 2020 and, upon information and belief, earlier than 2020, Wal-Mart.com USA, LLC, at its stores throughout the country and online, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

22. Wal-Mart.com USA, LLC profited financially from the sale of Giovannelli's image.

23. At all relevant times, Wal-Mart.com USA, LLC knew that it lacked consent from Giovannelli to commercially exploit his image. Wal-Mart.com USA, LLC's actions were willful and malicious, and punitive damages are appropriate.

24. As a result of Wal-Mart.com USA, LLC's actions, Giovannelli has suffered extreme emotional distress. As a result of Wal-Mart.com USA, LLC's actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Wal-Mart.com USA, LLC:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT III— The StockTrek Corporation d/b/a StockTrek Images, Inc.

25. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

26. StockTrek Images, Inc., during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

27. StockTrek Images, Inc. profited financially from the sale of Giovannelli's image.

28. At all relevant times, StockTrek Images, Inc. knew that it lacked consent from Giovannelli to commercially exploit his image. StockTrek Images, Inc.'s actions were willful and malicious, and punitive damages are appropriate.

29. As a result of StockTrek Images, Inc.'s actions, Giovannelli has suffered extreme emotional distress. As a result of StockTrek Images, Inc.'s actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from StockTrek Images, Inc.:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs, and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT IV—Pixels.Com, LLC

30. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

31. Pixels.Com, LLC, during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

32. Pixels.Com, LLC profited financially from the sale of Giovannelli's image.

33. At all relevant times, Pixels.Com, LLC knew that it lacked consent from Giovannelli to commercially exploit his image. Pixel.com, LLC's actions were willful and malicious, and punitive damages are appropriate.

34. As a result of Pixels.Com, LLC's actions, Giovannelli has suffered extreme emotional distress. As a result of Pixels.Com, LLC's actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Pixel's.Com, LLC:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs, and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT V—Posterazzi Corp.

35. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

36. Posterazzi Corp., during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat. During this time period, Posterazzi Corp. sold posters which not only bore Giovannelli's image but also identified him by name and rank.

37. Posterazzi Corp. profited financially from the sale of Giovannelli's image.

38. At all relevant times, Posterazzi Corp. knew that it lacked consent from Giovannelli to commercially exploit his image. Posterazzi Corp.'s actions were willful and malicious, and punitive damages are appropriate.

39. As a result of Posterazzi Corp.'s actions, Giovannelli has suffered extreme emotional distress. As a result of Posterazzi Corp.'s actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Posterazzi Corp.:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs, and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT VI—Amazon.Com, Inc.

40. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

41. Amazon.Com, Inc., during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

42. Amazon.Com, Inc. profited financially from the sale of Giovannelli's image.



43. At all relevant times, Amazon.Com, Inc. knew that it lacked consent from Giovannelli to commercially exploit his image. Amazon.Com, Inc.'s actions were willful and malicious, and punitive damages are appropriate.

44. As a result of Amazon.Com, Inc.'s actions, Giovannelli has suffered extreme emotional distress. As a result of Amazon.Com, Inc.'s actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Amazon.Com, Inc.:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT VII—Amazon.Com Services, LLC

45. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

46. Amazon.Com Services, LLC, during 2020 and, upon information and belief, earlier than 2020, without Giovannelli's consent, sold posters which bore an image of Giovannelli in combat.

47. Amazon.Com Services, LLC profited financially from the sale of Giovannelli's image.

48. At all relevant times, Amazon.Com Services, LLC, knew that it lacked consent from Giovannelli to commercially exploit his image. Amazon.Com Services, LLC's actions were willful and malicious, and punitive damages are appropriate.

49. As a result of Amazon.Com Services, LLC's actions, Giovannelli has suffered extreme emotional distress. As a result of Amazon.Com Services, LLC's actions, Giovannelli's PTSD has been exacerbated.

WHEREFORE, plaintiff prays for the following relief from Amazon.Com Services, LLC's:

A. Damages in an amount in excess of One Million Dollars for emotional distress and exacerbation of plaintiff's PTSD;

B. That all profits procured through the sale of plaintiff's image be disgorged and awarded to the plaintiff;

C. An award of punitive damages as permitted by 75 ILCS 1075/40;

D. An award of plaintiff's reasonable attorney's fees, costs and expenses as permitted by 75 ILCS 1075/55.

E. For such other relief as this court deems just.

COUNT VIII—WalMart, Inc.--NIES

50. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

51. WalMart, Inc. owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

52. WalMart, Inc. breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

53. WalMart, Inc.'s breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant WalMart, Inc. in an amount in excess of One Million Dollars (\$100,000,000.00), plus costs.

COUNT IX—Wal-Mart.Com USA, LLC--NIES

54. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

55. Wal-Mart.Com USA, LLC owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

56. Wal-Mart.Com USA, LLC breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

57. Wal-Mart.Com USA, LLC's breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Wal-Mart.Com USA, LLC in an amount in excess of One Million Dollars (\$100,000,000.00), plus costs.

COUNT X—StockTrek Images, Inc.--NIES

58. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

59. StockTrek Images, Inc. owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

60. StockTrek Images, Inc. breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

61. StockTrek Images, Inc.'s breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant StockTrek in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

COUNT XI—Pixels.Com, LLC--NIES

62. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

63. Pixels.Com, LLC owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

64. Pixels.Com, LLC breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

65. Pixels.Com, LLC's breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Pixels.Com, LLC in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

COUNT XII—Amazon.Com, Inc.--NIES

66. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

67. Amazon.Com, Inc. owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

68. Amazon.Com, Inc. breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

69. Amazon.Com, Inc.'s breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's

PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Amazon.Com, Inc. in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

COUNT XIII—Amazon.Com Services, LLC--NIES

70. Plaintiff incorporates by reference paragraphs 1 through 14 as if fully set forth here.

71. Amazon.Com Services, LLC owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

72. Amazon.Com Services, LLC breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

73. Amazon.Com Services, LLC's breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Amazon.Com Services, LLC in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

COUNT XIV—Posterazzi Corp.--NIES

74. Plaintiff incorporates by reference paragraphs 1 through 14. as if fully set forth here.

75. Posterazzi Corp. owed a duty to Giovannelli under Illinois law not to publicize and/or sell his image for profit without first procuring his written consent as required by 765 ILCS 1075/30.

76. Posterazzi Corp. breached its duty to Giovannelli when it negligently failed to take necessary steps to procure his written consent, as required by 765 ILCS 1075/30, prior to offering for sale and selling plaintiff's image all across the country.

77. Posterazzi Corp.'s breach of duty directly and proximately caused plaintiff to suffer extreme emotional distress, including anxiety, flashbacks, and exacerbation of plaintiff's PTSD. As a result of plaintiff's emotional distress, he is under a doctor's care and taking medication.

WHEREFORE, plaintiff prays for judgment in his favor and against defendant Posterazzi Corp.'s in an amount in excess of One Million Dollars (\$1,000,000.00), plus costs.

Plaintiff demands trial by jury on all counts.

s/ Craig D. Tobin  
Craig D. Tobin  
One of Plaintiff's attorneys

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Attorney No.: 47276



1910 - No Fee Paid

1919 - Fee Paid

Jury Demand

(Rev. 12/01/20) CCG 0067

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

County DEPARTMENT/ 1st DISTRICT

Nicholas Giovannelli

Walmart, Inc., Wal-mart.Com USA, LLC,  
The Stocktrek Corporation d/b/a Stocktrek Images,  
Inc., Pixels.com, LLC, Amazon.Com, Inc., Amazon.Com  
Services, LLC, and Posterazzi Corp.

No. \_\_\_\_\_

JURY DEMAND

The undersigned demands a jury trial.

Craig D. Tobin

(Signature)

☐ Atty. No.: 47276

Name: Craig D. Tobin

Atty. for: Tobin & Muñoz, L.L.C.

Address: 70 West Madison St., Suite 1950

City/State/Zip: Chicago, IL 60602

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Dated: January 6, 2021

FILED  
1/6/2021 12:25 PM  
IRIS Y. MARTINEZ  
CIRCUIT CLERK  
COOK COUNTY, IL  
2021L000144  
11724878

IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, LAW DIVISION

NICHOLAS GIOVANNELLI,

Plaintiff,

v.

WALMART, INC., WAL-MART.COM USA, LLC,  
THE STOCKTREK CORPORATION d/b/a  
STOCKTREK IMAGES, INC., PIXELS.COM, LLC,  
AMAZON.COM, INC., AMAZON.COM SERVICES,  
LLC, and POSTERAZZI CORP.

Defendants.

No.:

JURY DEMANDED

**ILLINOIS SUPREME COURT RULE 222(B) AFFIDAVIT**

The undersigned certifies that the amount of damages sought in the above-captioned case does exceed \$50,000.00.


Respectfully Submitted,

CRAIG D. TOBIN

By: 

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SUBSCRIBED AND SWORN  
TO BEFORE ME THIS 6<sup>th</sup>  
day of January 2021

  
NOTARY PUBLIC

